

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

JOHN COREY FRASER, on behalf of himself	)	
and all others similarly situated as a Class,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:22CV00410
	)	
BUREAU OF ALCOHOL, TOBACCO,	)	
FIREARMS, AND EXPLOSIVES, et al.,	)	
	)	
Defendants.	)	
_____	)	

**MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendants, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Steven Dettelbach, in his official capacity as the Director of ATF<sup>1</sup>; and Merrick Garland, in his official capacity as Attorney General of the United States respectfully move this Court to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction and for failure to state a claim on which relief can be granted. In accordance with the Court's Local Rules, this motion is accompanied by a memorandum in support of the motion and citations of the authorities on which Defendants rely.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25, Director Dettelbach is automatically substituted as a defendant in this matter.

Dated: November 8, 2022

Respectfully submitted,

JESSICA D. ABER  
UNITED STATES ATTORNEY

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of November, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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